

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re:**

**MIDNIGHT MADNESS DISTILLING LLC,**

**Debtor.**

**CHAPTER 7  
Case No. 21-11750-MDC**

**BONNIE B. FINKEL, in her capacity as Chapter 7  
Trustee for Midnight Madness Distilling LLC,**

**Adv. No. 23-00047-MDC**

**Plaintiff,**

**JURY TRIAL DEMANDED**

**v.**

**CASEY PARZYCH; SHAWN SHEEHAN; ANGUS  
RITTENBURG; KELLY FESTA; ASHLEIGH  
BALDWIN; MICHAEL BOYER; R.F. CULBERTSON;  
GARY PARZYCH; RYAN USZENSKI; POLEBRIDGE,  
LLC; GOOD DESIGN, INC.; AGTECH PA LLC;  
AGTECH VI, LLC; XO ENERGY WORLDWIDE,  
LLLP; XO EW, LLC; CAN MAN LLC; BEST BEV,  
LLC; ETOH WORLDWIDE, LLC; CANVAS 340, LLC;  
FINLAND LEASING CO., INC.; and EUGENE T.  
PARZYCH, INC.,**

**Defendants.**

**MOVING DEFENDANTS' RULE 12(b)(6) MOTION TO DISMISS FOR FAILURE TO  
STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

Moving Defendants,<sup>1</sup> by and through their undersigned attorneys, hereby move this Honorable Court, pursuant to Rule 12 of the Federal Rules of Civil Procedure, made applicable to

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<sup>1</sup> The Moving Defendants are Casey Parzych; Angus Rittenburg; Kelly A. Festa; Ashleigh Baldwin; Michael Boyer; R.F. Culbertson; Polebridge, LLC; Good Design, Inc.; AgTech PA LLC; AgTech VI, LLC; XO Energy Worldwide, LLLP; XO EW, LLC; Best Bev, LLC; EtOH Worldwide, LLC; Canvas 340, LLC; and Shawn Sheehan. Pursuant to Local Rules 7005-1 and 9014-3(b), the Moving Defendants do not consent to the entry of a final order or judgment by the court if it is determined that the court, absent consent of the parties, cannot enter a final order or judgment consistent with Article III of the United States Constitution.

this adversary proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure, to dismiss the Complaint [Adv. D.I. 1] filed against them in the above-captioned adversary proceeding by plaintiff, Bonnie B. Finkel, the Chapter 7 Trustee for the debtor, Midnight Madness Distilling LLC f/k/a Theobald and Oppenheimer, LLC d/b/a Faber Distilling.

Date: September 15, 2023

**ARCHER & GREINER, P.C.**

/s/ Stephen M. Packman

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